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Candace Havens  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date:	October 15, 2013
Land Use Action Date:	November 12, 2013
Board of Aldermen Action Date:	December 2, 2013
Action Expiration Date:	December 16, 2013

DATE: October 11, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner

SUBJECT: **Petition #260-13**, COREPOWER YOGA/TAURAU ONE NEWTON PLACE, LLC, for a SPECIAL PERMIT/SITE PLAN APPROVAL for a parking waiver for 17 parking stalls for a yoga studio with locker room facilities at 275 WASHINGTON/284-291 CENTRE STREET, Ward 1, NEWTON CORNER on land known as SBL 61, 13, 11, containing approximately 78,813 square feet of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-19(d)(21), 30-19(m) of the City of Newton Rev Zoning Ord., 2012.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

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**275 Washington /  
284-291 Centre Street**

## **EXECUTIVE SUMMARY**

The property located at 275 Washington Street, commonly known as “One Newton Center,” consists of a four-story building, which was built in 1985. As constructed, the building contained 344 fixed parking spaces located in a four-story attached parking garage, as well as a roof top parking arrangement on the principle building. In 2005, following the departure of Reed Holdings, the building was redeveloped as a mixed-use building, accommodating uses from medical to office to restaurant. During this time period, a special permit via Board Order #236-04 was also approved authorizing waivers to certain parking provisions and the creation of an additional 45 parking spaces through a “managed parking system,” which increased the total number of parking spaces on-site to 389 spaces. The petitioner is looking to convert approximately 4,734 gross square feet of existing vacant space and space previously occupied by a medical use into a yoga studio, with a maximum of three employees. To accommodate the change of use, the petitioner is seeking a special permit to waive 11 required parking spaces. The proposed yoga studio has a parking requirement of 33 spaces. The previous medical use had a parking credit of 22 parking spaces; therefore, the number of new spaces required for the proposed use is 11 spaces. The subject property has no space to provide additional parking.

Per the Zoning Review Memorandum, the property has a technical deficit of 116 parking spaces. As a result of the change in use, the parking deficit will increase to 127 parking spaces. However, a parking inventory and utilization study submitted by the petitioner appears to indicate that there are enough parking spaces available on-site to fulfill the parking demand for the proposed use. A nearby municipal parking lot on Pearl Street, with 72 metered parking spaces, and on-street parking supplies appear to be underutilized. The zoning ordinance does not allow these spaces to be used to meet the parking requirement for any use.

The Department of Planning and Development has reservations that the proposed use will lead to increased traffic congestion in an area, which studies have shown already has deficient traffic circulation, as customer search for parking during times of high parking occupancy. The Department also would encourage the petitioner to consider requesting a parking waiver for 12 spaces to account for potential staffing increases in the future. While parking appears operational at the current level of occupancy, parking is still insufficient per the Newton Zoning Ordinance and dealing with parking deficiencies in a piecemeal manner is not preferred. A comprehensive parking strategy for the entire property would be preferable, and may eliminate the need for future tenants to request parking waivers as part of their development process.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION**

When reviewing this petition, the Board should consider whether:

- A waiver for 11 parking spaces is appropriate since literal compliance with the parking requirements is impracticable due to the existing uses and development patterns present on the subject property and in the surrounding neighborhood.
- The requested parking waiver will not result in the creation of a nuisance or hazard to vehicles or pedestrians in the surrounding neighborhood.

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject site is located in Newton Corner. The property is in a Business 1 zoning district, which extends along both sides of Centre and Washington streets. To the northwest of the subject property, the zoning transitions to Public Use and Multi-Residence 2.

### B. Site

The site consists of 78,813 square feet of land and is improved with a 172,978 square foot multi-tenant commercial building with an attached parking garage. The garage was modified in the late 1980s, but many parking spaces were not dimensionally compliant. The “managed parking system” and waivers to a number of parking provisions authorized under Board Order #236-04, attempted to address the parking issues on this property, but appears not to have resolved the parking deficiency for prospective tenants. So operationally, the managed parking system appears to work by creating additional parking spaces, but is still insufficient per the Newton Zoning Ordinance. The existing parking scenario is one that is common among many of the older commercial buildings in the area. As businesses expand and change ownership, the parking arrangement changes, often resulting in restriping and dimensional noncompliance.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

An existing medical use will be converted into a yoga studio, which is a use allowed by right in this zoning district.

### B. Building and Site Design

The building encompasses the entire lot and is constructed of brick, concrete and steel, with parking located in an attached parking garage as well as on the roof-top of the principle building. The proposed yoga studio would be located in approximately 4,734 gross square feet of the first floor of the building, which is existing vacant space and space previously occupied by a medical use. The proposed yoga studio will contain locker rooms with showers and changing areas, an office and an accessory retail space. Customers will be able to access the establishment via an entrance off Washington Street or through an internal access from the parking garage. No physical changes to the building or site (other than interior fit-out of the tenant space) are being made as a result of the yoga studio.

### C. Parking and Circulation

The proposed development will not alter the current parking configuration for the property. The change of use from a medical use to the proposed yoga studio increases the parking requirement to 33 spaces, which includes parking for three employees on the largest shift. The previous medical use has a parking credit of 22 parking spaces, but the petitioner must seek a waiver of 11 parking spaces based on the parking requirement for the new use. The petitioner has indicated that the current parking configuration and existing structures on the site makes

the development of additional parking spaces impractical.

In a parking inventory and utilization study provided by the petitioner, the site appears to have enough parking spaces available within the existing parking garage during the peak hours of operation for the studio. The study also acknowledges that the studio's lease allows clients to park in the garage for up to 1½ hours for free. The need to implement the managed parking system by the property manager has not been necessary due to vacancies in the building; however, since the spaces have been stripped, the property manager could choose to implement the managed parking system in the future.

Additionally, the petitioner has offered to contribute \$2,500 to the City for any multi-modal transportation improvements to mitigate the effects of the requested parking waiver. Through correspondences with James Kupfer, Community Development Planner and Patrick Baxter, Transportation Engineer a number of opportunities for pedestrian and vehicular improvements near the subject property have been identified as desirable by the City. These potential improvements, which align with the City's FY11-15 Consolidated Plan, could help to mitigate parking demand in the neighborhood due to the proposed use and improvements to pedestrian and vehicular mobility and safety in the area. Potentially improvements with a clear nexus to the requested parking waiver include: sidewalk ramp upgrades with detectable warning panels; signal improvements to Beacon Street with pedestrian countdown timers, Accessible Pushbuttons (audible) and lead pedestrian intervals (for the Centre Street signal); and replacement of existing street lights and trees.

The Department of Planning and Development is concerned that in the event of high parking occupancy, the proposed use may lead to increased traffic congestion in the area as customers search for parking spaces. The potential pedestrian and vehicular improvements could help to mitigate increased traffic and parking demand generated by the studio.

D. Landscape Screening

No landscaping plan was required for this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance).

The Zoning Review Memorandum (**ATTACHMENT A**) provides a complete analysis with respect to zoning. The petitioner is seeking a waiver for 11 required parking spaces to allow the development of a yoga studio, which differs from the Zoning Review Memorandum. The reduction of the requested parking waiver is due to the revised gross square footage total provided by the petitioner. Staff would encourage the petitioner to request a parking waiver for 12 spaces to account for potential staffing increases in the future.

B. Engineering Review

This project does not require review by the Engineering Division of Public Works.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit for the following reliefs:

- Section 30-19(d)(21) and 30-19(m) to waive 11 required parking spaces.

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A: Zoning Review Memorandum**  
**Attachment B: Land Use Map**  
**Attachment C: Zoning Map**



Setti D. Warren  
Mayor

## Attachment A

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Candace Havens  
Director

### ZONING REVIEW MEMORANDUM

Date: August 26, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Terri Dickerhoff, CGR Development for CorePower Yoga  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request for a waiver from parking requirement (REVISED)**

Applicant: CorePower Yoga	
<b>Site:</b> 275 Washington Street (283-191 Centre Street)	<b>SBL:</b> 61 13 11
<b>Zoning:</b> BU1	<b>Lot Area:</b> 78,813 square feet
<b>Current use:</b> medical office and rehab center within a mixed use building	<b>Proposed use:</b> Yoga studio

#### BACKGROUND:

The property at 275 Washington Street consists of a 78,813 square foot lot improved with a four-story 172,845 square foot mixed use building. Originally built in 1985 as the headquarters for Reed Holdings, it was repurposed in 2005 as a multi-tenant mixed use building which now includes offices and restaurants. CorePower Yoga is proposing to occupy approximately 5,609 gross square feet on the first floor. The yoga studio will replace an existing vacant space previously occupied by medical offices. The yoga studio will have accessory retail, a locker room with showers and changing areas, and office and storage space.

There currently exists 389 parking spaces on site, which includes 45 spaces created through the use of "managed parking" on the rooftop of the parking facility allowed by Board Order #236-04. Based on a parking analysis submitted by the applicant showing all of the current uses on site, there is a technical deficit of 116 parking stalls on site. However, there is no physical shortage of parking available on site. The previous medical office use required 22 parking stalls. The applicant requires 39 parking stalls for the proposed yoga studio use.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terry Dickerhoff, dated 7/17/13
- Parking analysis, prepared by Terry Dickerhoff, submitted 7/17/13

#### **ADMINISTRATIVE DETERMINATIONS:**

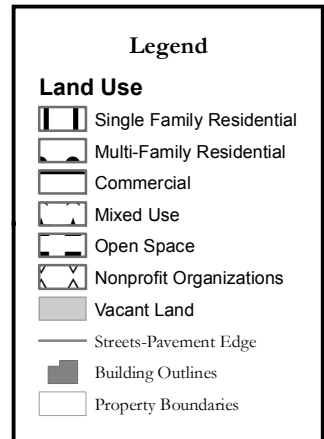
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1. The building was built by right, and the proposed use is also allowed by right. While there is an apparent technical parking deficit created by the current uses, no special permits have been issued for the site aside from BO #236-04, which allowed for 45 spaces to be created through “managed parking”. The previous medical office use of the proposed space within the building required 22 parking stalls, and the proposed use requires 39. Given that there is a technical parking deficit for the property with the current uses, it may be advised that the property owner seek a parking waiver for the entire property which would eliminate the need for future tenants to deal with parking issues in a piecemeal manner.
2. See “Zoning Relief Summary” below:

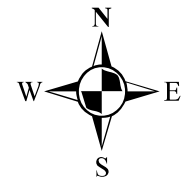
<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-19(d)(21)	Parking waiver for 17 parking stalls for a yoga studio with locker room facilities	S.P. per §30-24

# Land Use Map 275 Washington St.

*City of Newton,  
Massachusetts*



**ATTACHMENT B**



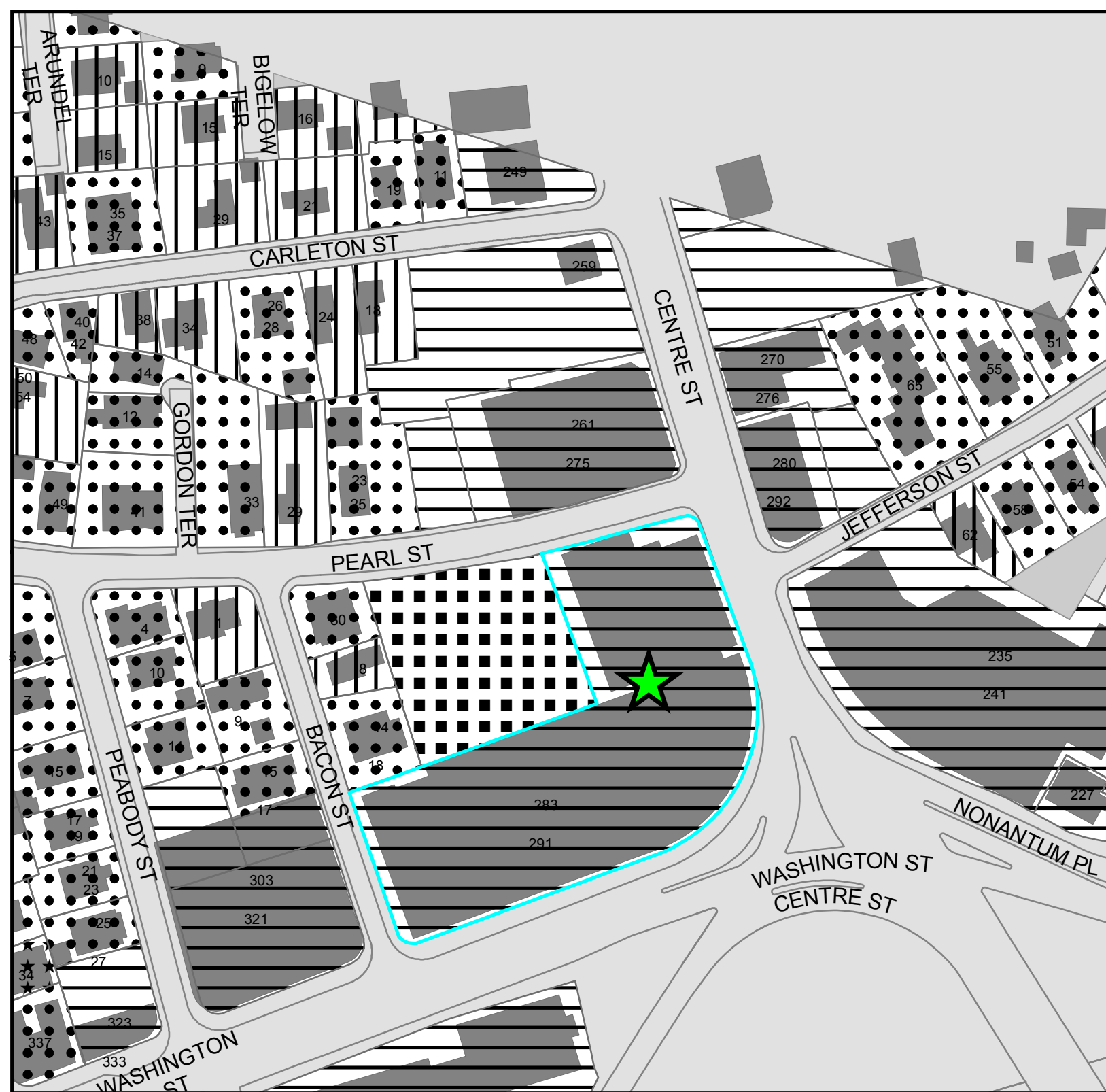
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Miles



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield

Map Date: October 01, 2013



# Zoning Map

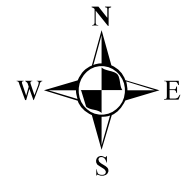
## 275 Washington St.

*City of Newton,  
Massachusetts*

### Legend

- Single Residence 3
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- Business 2
- Public Use
- Streets-Pavement Edge
- Building Outlines
- Property Boundaries

**ATTACHMENT C**



0.004509 0.018 0.027 0.036  
Miles



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